

## REMARKS

Claims 1-43 remain in the application for consideration. In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application.

## **Examiner Communication**

Applicant thanks the examiner for the time spent on the telephone discussing this application. During the interview, Applicant discussed the previously-submitted declaration and the requirement of facts to be alleged to support Applicant's position that the ADS reference was derived from and describes the inventors' own work. Applicant submits herewith a declaration including supporting documentation that establishes that the ADS reference describes the inventors' work.

## § 102 Rejections

Claims 13-15, 18-19, 22-23, 25, 27-28, 30-31, 34-40, and 42 stand rejected under 35 U.S.C. § 102(a) as being anticipated by “Image Based Installation of the Operating System and the Cluster Service Using Automated Deployment Services (ADS)”, January 1, 2003, Microsoft TechNet (hereinafter “ADS”).

## § 103 Rejections

Claims 1-2, 4-5, 7-12, 20-21, 26, 29, and 43 stand rejected under §103(a) as being obvious under ADS in view of “Lab: Automated Deployment Services”, June 23, 2003. (hereinafter “LAB”).

1       Claims 3 and 6 stand rejected under §103(a) as being obvious under  
2       ADS in view of LAB and further in view of “Complete Pre-Upgrade  
3       Tasks”, March 23, 2003, Microsoft TechNet. (hereinafter “CPUT”).

4       Claims 16, 17, 24, 32, 33 and 41 stand rejected under §103(a) as  
5       being obvious under ADS in view of CPUT.

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7       **The ADS Reference**

8       In making out the rejection of claims 1-43, the Office uses ADS as  
9       the primary reference. Applicant submits that the content of ADS is  
10       attributable to the inventors of the current application. In § 2132.01 of the  
11       MPEP under the heading “APPLICANT CAN REBUT *PRIMA FACIE*  
12       CASE BY SHOWING REFERENCE’S DISCLOSURE WAS DERIVED  
13       FROM APPLICANT’S OWN WORK”, this section instructs that a  
14       rejection can be “**overcome by submission of a specific declaration by  
15       the applicant establishing that the article is describing applicant’s own  
16       work.** *In re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982).”

17       Accordingly, Applicant submits herewith a specific declaration that  
18       establishes that the ADS reference describes Applicant’s own work. The  
19       declaration identifies two disclosure documents that originally comprised  
20       the disclosure packet associated with the subject matter of the present  
21       application. In addition, several similarities between these documents and  
22       the ADS reference are identified and establish that the ADS reference  
23       describes a Microsoft product which was described in the disclosure  
24       packet and which pertains to the inventors’ work.

1           In light of this declaration, the ADS reference is removed as a  
2 reference.

3           Accordingly, claims 1-43 are allowable.

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5           **Conclusion**

6           All of the claims are in condition for allowance. Accordingly,  
7 Applicant requests a Notice of Allowability be issued forthwith. If the  
8 Office's next anticipated action is to be anything other than issuance of a  
9 Notice of Allowability, Applicant respectfully requests a telephone call for  
10 the purpose of scheduling an interview.

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13           Respectfully submitted,

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15           Dated: 9/25/2007

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